



**US Army Corps  
of Engineers®**  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date:** April 28, 2009  
**Comment Period Ends:** May 19, 2009  
**File Number:** NAE-2008-03476  
**In Reply Refer To:** Crystal Gardner  
**Or by e-mail:** crystal.i.gardner@usace.army.mil

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The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below.

## APPLICANT

Michael Botelho, Town of Mattapoisett

## ACTIVITY

The work includes work in navigable waters for the construction and maintenance of a 6' x 140' pier, three 4' x 20' finger piers, six 10' x 20' floats, a 4' x 24' gangway, a 6' x 10' landing and seven mooring piles. The purpose for this work is to provide improved for fee access to the waters of the Commonwealth of Massachusetts. The work is shown on the enclosed plans entitled "PLANS ACCOMPANYING PETITION OF TOWN OF MATTAPOISETT, TO CONSTRUCT AND MAINTAIN PIER, PILES, FLOATS & GANGWAY MATTAPOISETT HARBOR, PLYMOUTH CO., MATTAPOISETT, MA" on four sheets and dated "October 24, 2008."

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Mattapoisett Harbor at 4 Water Street, Mattapoisett, Massachusetts. The proposed location is on the USGS Marion quadrangle sheet at Latitude N 41 39' 24" and Longitude W 70 48' 49".

## AUTHORITY

Permits are required pursuant to:

XX\_\_ Section 10 of the Rivers and Harbors Act of 1899

\_\_\_ Section 404 of the Clean Water Act

\_\_\_ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land

use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact 0.03 acres of Essential Fish Habitat (EFH). This habitat consists of atlantic cod (*Gadus morhua*)(all stages), haddock (*Melanogrammus aeglefinus*)(egg & larvae stages), red hake (*Urophycis chuss*)(larvae, juvenile & adult stages), winter flounder (*Pleuronectes americanus*)(all stages), windowpane flounder (*Scopthalmus aquosus*)(all stage), American plaice (*Hippoglossoides platessoides*)(juvenile & adult stages), atlantic sea herring (*Clupea harengus*)(juveniles and adults), bluefish (*Pomatomus saltatrix*)(juveniles and adults), long finned squid (*Loligo pealei*)(juvenile & adult stages), Atlantic butterfish (*Peprilus triacanthus*)(all stages), Atlantic mackerel (*Scomber scombrus*) (all stages), summer flounder (*Paralichthys dentatus*)(all stages), scup (*Stenotomus chrysops*)(all stages), black sea bass (*Centropristus striata*)(larve, juvenile & adult stages), king mackerel (*Scomberomorus cavalla*)(all stages), spanish mackerel (*Scomberomorus maculatus*)(all stages) and cobia (*Rachycentron canadum*)(all stages). Loss of this habitat may adversely affect some of the above mentioned species. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is

based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X X) Permit, License or Assent from State.
- (XX) Permit from Local Wetland Agency or Conservation Commission.
- ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Crystal Gardner at (978) 318-8332, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

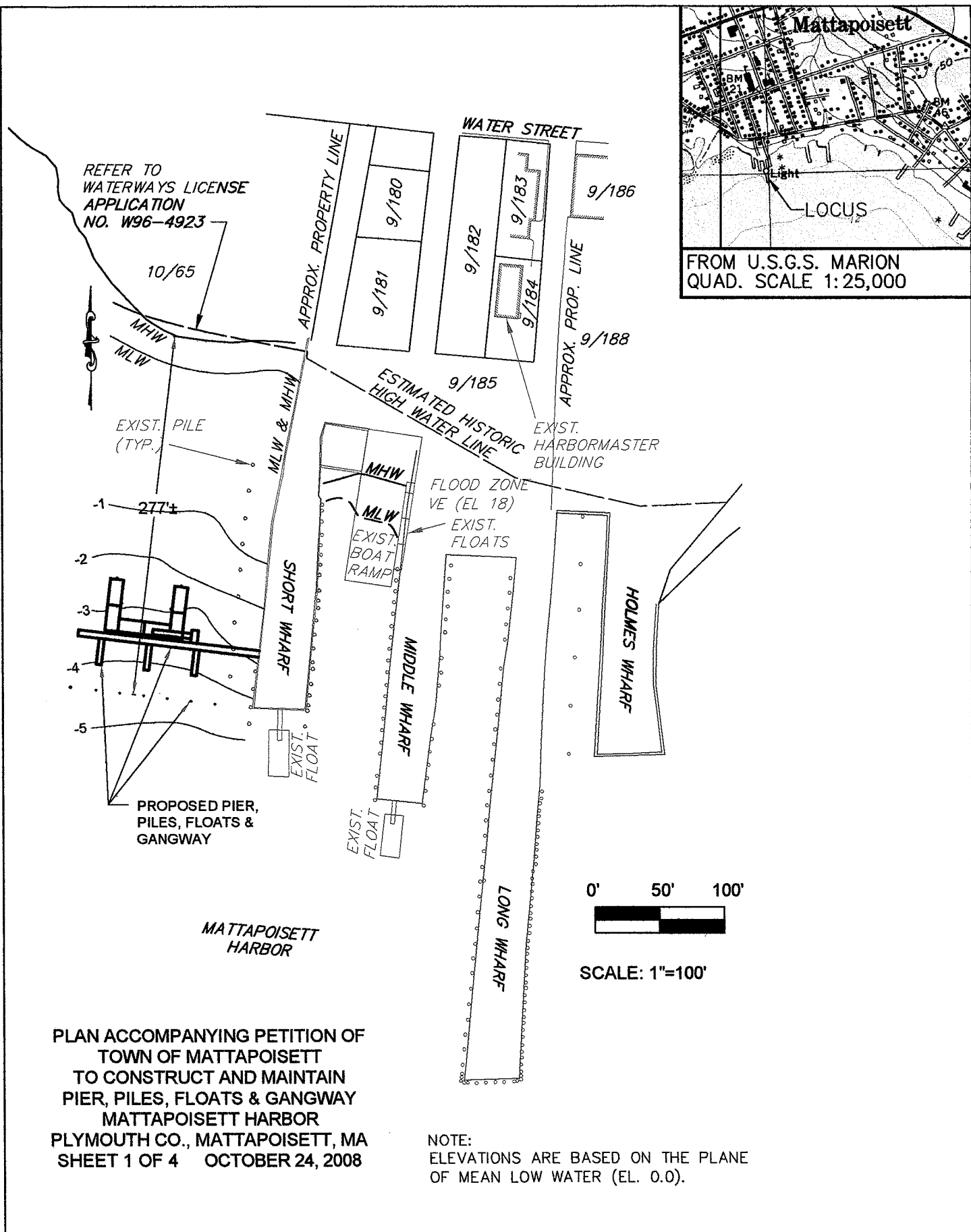
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**Karen Kirk Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

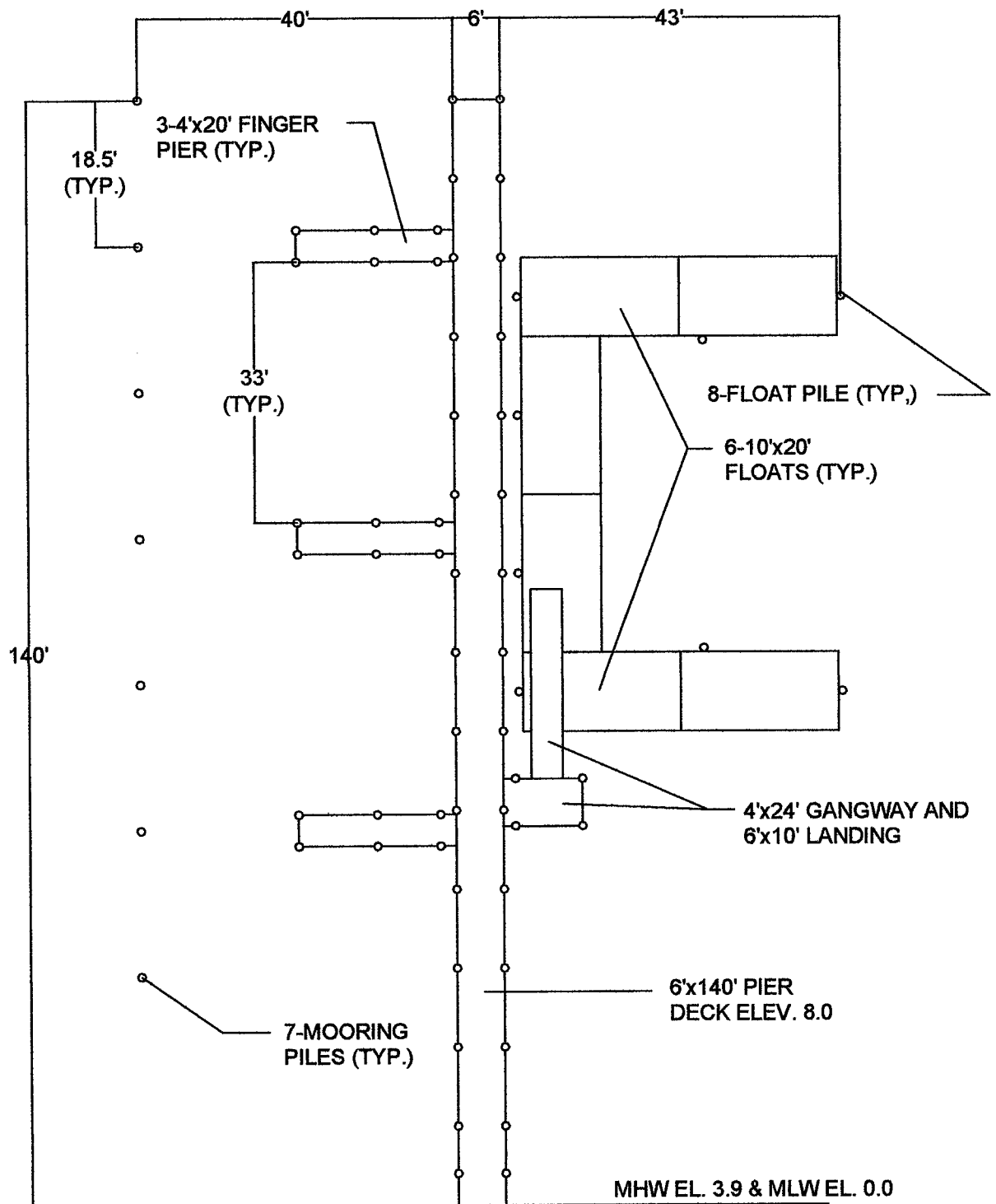
**CENAE-R**  
**FILE NO. NAE-2008-03476**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_



# MATTAPOISETT HARBOR



EXISTING SOLID FILL WHARF

PLAN VIEW

